

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

2014 JUL 14 PM 4:52

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY                      DEPUTY

LIFE PARTNERS, INC.,

Plaintiff,

-vs-

Case No. A-14-CA-472-SS

THE COCA-COLA COMPANY,  
Defendant.

ORDER OF DISMISSAL

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically "Motion for Voluntary Dismissal without Prejudice" [#22 filed July 7, 2014] and the response of the defendant [#23 filed July 11, 2014], and thereafter, the Court enters the following:

IT IS ORDERED that the above-styled and numbered cause is DISMISSED without prejudice to the rights of any party with each party absorbing its own costs and attorney's fees.

This case is being dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure. The defendant has filed no motion for summary judgment or affirmative answer and, therefore, is dismissed as a matter of right. The defendant puts forth good reasons in its response to continue this case until the administrative procedures have been completed on any claim or claims filed by the plaintiff Life Partners, Inc. However, nothing will have changed as the case is one in abatement, and there has been no discovery nor any motions filed that give any judicial history to this case. Thus, it seems to the undersigned that following Rule 41's procedural path is appropriate.

SIGNED this the 14<sup>th</sup> day of July 2014.

Barnes  
UNITED STATES DISTRICT JUDGE

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